

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Reed Anthony Kevin Wright,)	
)	Civil Action No. 6:14-4646-TMC-JDA
Plaintiff,)	
)	
vs.)	ORDER
)	
Rayena Sheppard-Oswald, Brian Oswald,)	
Heather Hubert, Sergeant Scott Matheny,)	
Officer M. Smoak, Officer Drew Pinciario,)	
)	
Defendants.)	
)	

Plaintiff, through counsel, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendant Officer M. Smoak (“Smoak”) filed a motion to dismiss. (ECF No. 96). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court deny Defendant Smoak’s motion to dismiss. (ECF No. 132 at 14). The parties were advised of their right to file objections to the Report. (ECF No. 132-1). However, no objections have been filed to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 132) and incorporates it herein. It is therefore **ORDERED** that Defendant Smoak’s motion to dismiss (ECF No. 96) is **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

November 3, 2015
Anderson, South Carolina